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10/538,052	06/08/2005	Pano Yiotis Patrikakis	513.1158USN	8511
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FASTH LAW OFFICES (ROLF FASTH)			EXAMINER	
26 PINECREST PLAZA, SUITE 2			DOAK, JENNIFER L	
SOUTHERN PINES, NC 28387-4301				
			ART UNIT	PAPER NUMBER
			2872	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,052

Applicant(s)

PATRIKAKIS, PANO YIOTIS

Examiner

Jennifer L. Doak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/13/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: WO 9532103 copy.

DETAILED ACTION***Drawings***

First, the drawings are objected to because it is unclear to what they specifically point, since the drawings themselves have limited detail. The lines and cut-aways do little to clearly depict the invention. Examiner suggests an overhead, ray traced drawing of each embodiment showing the relations of the mirrors, prism(s), housing, opening, and so forth.

Second, the drawings are objected to because the diverging lens and plano-concave lens of claims 18 and 19 are not depicted in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 17, from which claim 20 depends, is materially identical to claim 20.

Specification

The title of the invention is not descriptive. Specifically, statements concerning the general type or nature of the entire system or its components that are common to most other similar systems that are known in the art do not suggest the point of novelty, to which the title should at least allude. Although statements of general system types and so forth are important for contextualizing the novelty, the title should also be directed to encompass what Applicant considers as the point of novelty claimed. A new title is required that is clearly indicative of the invention to which the claims are directed.

The abstract of the disclosure is objected to because it exceeds the maximum word count. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-6, 11, 13-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lusebrink (US 2501067).

Regarding Claim 1, Lusebrink discloses a mirror system for a vehicle (Figs. 1-3) comprising a driver's side viewing device located in a mirror housing mounted on the vehicle wherein a first section of the mirror housing contains a viewing surface in the interior of the vehicle (32) and a second portion of the mirror housing optically open to the outside of the vehicle (14); said first section of the mirror housing adapted to contain one or more substantially right angle triangular prisms (17, 18, 23, 24) having two sides of substantially equal length and two vertices of substantially equal angles (Fig. 2); said prism mounted in the first section of the mirror housing so that one of the two sides of equal length of said prism (23, 24) is positioned in an opening facing the interior of the vehicle to provide the viewing surface (Figs. 2 and 3); the second one of the sides of equal length is facing to the exterior of the vehicle (Fig. 2: 23 or 24); said second section of the mirror housing sized and shaped to contain operative optical elements comprising one or more reflective means (26, 32) mounted in the second section of the mirror housing at an angle to the second one of the sides of equal length of the prism(s) in the first section of the mirror housing so that when the driver looks through the viewing surface of the prism he can see objects to the side and rear of the vehicle (col. 1, lns. 40-51).

Regarding Claim 2, Lusebrink further discloses the reflective means mounted in the second section of the mirror housing includes a first flat mirror (26) positioned in the second section of the mirror housing in a manner to permit the driver to look through a first section of the viewing surface of the prism and see if another vehicle is in the blind spot area along the side of the vehicle (Fig. 2).

Regarding Claims 3, 4, and 5, Lusebrink further discloses the first flat mirror (26) is mounted at an angle of between 50° to 70° degrees to the second one of the sides of equal length of the prism (as is seen in Fig. 3, it appears that the angle is about 60°); the first flat mirror is mounted at an angle of about 60 degrees to the second one of the sides of equal length of the prism (as is seen in Fig. 3, it appears that the angle is about 60°); wherein the angle of the first flat mirror can be adjusted from about 1° to 5° degrees (i.e., the adjustment mechanism of 31 and 29).

Regarding Claim 6, Lusebrink further discloses the reflective means mounted in the second section of the mirror housing further includes a second flat mirror (32) mounted in the second section of the mirror housing in a manner to permit the driver to look through the a second section of the viewing surface of the prism and see to the rear and along the side of the vehicle (Fig. 3).

Regarding Claim 11, Lusebrink further discloses that the first flat mirror (26) and the second flat mirror (32) are mounted in the second section of the mirror housing one above the other (Fig. 3).

Regarding Claim 13, Lusebrink additionally discloses a second substantially right angle triangular prism (17 or 18) is mounted in the second section of the mirror housing in a manner to permit the driver to look through the a second section of the viewing surface of the prism and see to the rear and along the side of the vehicle (col. 1, para. 1).

Regarding Claims 14-15, Lusebrink further discloses means are provided for said section of the mirror housing so that the operative optical elements are protected from the elements and permit the driver to see objects to the side and rear of the vehicle; said means are provided for

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said section of the mirror housing so that the operative optical elements are protected from the elements and permit the driver to see objects to the side and rear of the vehicle is a transparent cover placed over the rear of said second section of said mirror housing.

Regarding Claim 16, Lusebrink additionally discloses that a passenger's side viewing device located in a second mirror housing mounted on the vehicle (Fig. 1), said second mirror housing sized and shaped to contain operative optical elements (6, i.e., the right side), said operative optical elements comprising two different reflective means (26, 32) mounted in the mirror housing at an angle so that the driver can see objects to the passenger's side and rear of the vehicle (Figs. 1-3), said two different reflective means comprising a first flat mirror (26) positioned in the mirror housing at an angle to permit the driver to see if another vehicle is in the blind spot area along the side of the vehicle and a second flat mirror (32) mounted at a different angle to permit the driver to see to the rear and along the side of the vehicle.

Regarding Claims 17 and 20, Lusebrink further discloses. Although the prior art does not specifically disclose that said driver and passenger side viewing devices are mounted adjacent the driver side and passenger side door frames as claimed, this feature is seen to be an inherent teaching of that device since the position of the windshield (11), as shown in Fig. 3 is disclosed, and it is apparent that for the apparatus to be positioned as shown and used as intended, it must be mounted adjacent to the driver and passenger side door frames.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As set forth above, Lusebrink discloses all the elements of the claims from which the following claims depend and the elements are hereby incorporated into the following according to dependency.

Claims 7-10, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lusebrink (US 2501067).

Regarding Claims 7-9, Lusebrink further discloses that the second mirror (32) can be adjusted from about 1° to 5° (i.e., Fig. 3 shows hinge 33, which allows for adjustment of the mirror). Lusebrink does not explicitly disclose that the second flat mirror is mounted at an angle of between 35° to 50° degrees to the second one of the sides of equal length of the prism; the second flat mirror is mounted at an angle of about 45° degrees to the second one of the sides of equal length of the prism. However, variation for the height of the vehicle driver, height of the vehicle and position of the apparatus in the vehicle could be in a position such that the second mirror is required to have an angle range of 35° to 50° or specifically 45° with respect to the prism. It would have been obvious to one of ordinary skill in the art at the time of invention to position the second mirror at above-said angles, using hinge (33) for the purpose of adjusting the viewing area to accommodate driver requiring that position due to driver height and apparatus location variables.

Regarding Claims 10 and 12, Lusebrink further discloses two substantially right angle triangular prisms having two sides of substantially equal length (17, 18) and two vertices of substantially equal angles (17, 18). Lusebrink does not disclose that the prisms are mounted in the first section of the mirror housing one above the other and the first section of the mirror

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housing such that the first flat mirror and the second flat mirror are mounted in the second section of the mirror housing laterally beside each other. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to alter alignment of prisms and mirrors relative to each other as previously stated, since it has been held that rearranging parts of an invention involves only routine skill in the art, *In re Japiske*, 86 USPQ 70 C.C.P.A. 1950). Lusebrink also does not disclose that there is only one prism. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce the system to one prism, since it has been held that the omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art, *In re Karlson*, 136 USPQ 184. One would have been motivated to this rearrangement or reduction of the number of prisms for the purpose of accommodating differently shaped vehicle, such as a very small car, which could require rearrangement to accommodate a smaller or differently shaped housing to fit properly.

Regarding Claims 18 and 19, Lusebrink further discloses that said second portion of the mirror housing has an opening (14) facing along the side and to the rear of the vehicle. Lusebrink does not disclose a diverging lens is placed adjacent said opening between the opening and the second flat mirror or that the diverging lens is a plano concave lens. However, it is well known in the art to use a diverging lens to expand the field of view. Therefore, it would have been obvious to an ordinarily skilled artisan at the time of invention to use a diverging lens, such as a plano-cocave lens, to expand the field of view to the rear of the vehicle.

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levy (US 5541762) and Nam (WO 9532103) are cited as similar prism systems for side-view vehicle mirrors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Doak whose telephone number is 571-272-9791. The examiner can normally be reached on Mon-Thur: 7:30A-5:00P, Alt Fri: 7:30A-4:00P (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD
9/20/07


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SUPERVISORY PATENT EXAMINER